awarded compensation on the ground that the personal injury, the rupture of the heart, was by accident, as it hastened to a fatal end an ailment. *Indian Creek Coal Co.* v. *Calvert* (Ind.), 119 N. E. 519. Death or incapacity resulting from a non-occupational disease alone is not compensable. A workman dying of apoplexy was denied compensation where there was neither unusual happening nor accident. *Guthrie* v. *Detroit Ship Co.*, 200 Mich. 355. It appears that there must actually be an accident in order for an injury aggravating a disease to be compensable. The compensation recoverable is usually held to be for the total disability, not merely for that degree of the disability which was caused by the accident as distinguished from that which was caused by the disease. *Indianapolis Abattoir Co.* v. *Coleman* (Ind.), 117 N. E. 502. "The previous condition of health of the employee is of no consequence in determining the amount of relief to be afforded * * * [But] it is only where there is a direct causal connection between the exertion of the employment and the injury that an award of compensation can be made." *In re Madden, 222* Mass. 487, the court pointing out that where the disease was the cause of the injury no award can be made, but where the employment was a proximate contributing cause to the injury there ought to be an award made. The decision in the principal case appears to be in accord with the authorities and the correct view. The theory of the Compensation Acts is that every personal loss to an employee, as such, is an element of the cost of production and should be charged to the industry. It is to protect the employee at the expense of the industry. Being social in its aim and conception, and making no distinction in the condition of the health of employees, the Act should compensate for the disability, even though the injury is aggravated by or aggravates a congenital weakness or a preëxisting disease.

WORKMEN'S COMPENSATION ACT—INJURY ARISING OUT OF AND IN COURSE OF EMPLOYMENT.—Leaving the works where she was employed during the dinner hour, a machinist went to a canteen provided by her employers in another part of the premises. Hurrying down a flight of stairs leading from the canteen to the street which connected the canteen and the works, she slipped and broke her ankle. *Held* (two of the five judges dissenting), the injury arose out of and in the course of the employment, within the meaning of the Workmen's Compensation Act. *Armstrong, Whitworth & Co.* v. *Redford* [1920], A. C. 757.

A workman's employment is not confined to the actual work upon which he is engaged, but extends to those actions which by the terms of his employment he is entitled to take or where by such terms he is taking his meals on the employer's premises. *Brice* v. *Lloyd* [1909], 2 K. B. 804; *Friebel* v. *Chicago City Ry. Co.*, 280 Ill. 76, 117 N. E. 467; *Scott* v. *Payne Bros.*, 85 N. J. L. 446, 89 Atl. 927. The period of employment is not necessarily broken by mere intervals of leisure such as those taken for meals. *In re Sundine*, 218 Mass. 1, 105 N. E. 433; HONNOLD, WORKMEN'S COMPENSATION, Sec. 111. As the court said in the instant case, "the taking of meals is a matter ancil-

lary and incidental to the employment." Up to this point there is little conflict of opinion. Where the courts divide is as to what acts of the dining employee are "within the contemplation of both parties to the contract as necessarily incidental to it." Plainly, where the worker is in a forbidden place or doing an obviously dangerous act during the lunch hour there can be no recovery for any injuries he may receive. *Brice* v. *Lloyd, supra; Manor* v. *Pennington,* 180 App. Div. 130, 167 N. Y. Supp. 424; *Weis Paper Mill Co.* v. *Industrial Commission* (Ill., 1920), 127 N. E. 732. Similarly, if during the leisure hour a workman absented himself from the place of employment for his own purposes there would be such an interruption of the employment as to defeat a recovery of compensation for an injury during such absence. *Davidson* v. *M'Robb* [1918], A. C. 304. On the one hand, where the employee eats his lunch in the factory according to an established custom and he is there injured, the mishap is said to be incidental to his employment and a recovery is allowed. *Racine Rubber Co.* v. *Industrial Commission,* 165 Wis. 600, 162 N. W. 664. On the other hand, where the accident occurs in a public street the courts are inclined to refuse a recovery, unless it can be shown that the employee was in the street on the business of, or as a duty that he owed to, his employer. *Bell* v. *Armstrong,* 88 L. J. K. B. 844. See in this connection 16 MICH. L. REV. 179. Between these two extremes come injuries, such as that in the principal case, which occur on the employer's premises. In *In re Sundine, supra,* such an accident was held to have arisen out of and in the course of the employment, although the stairs on which the employee slipped and was hurt were not under the employer's control. The court said it was sufficient that they were on his premises. In *Highley* v. *Lancashire & Y. Ry. Co.,* 85 L. J. K. B. 1513, a worker recovered although the accident occurred on train tracks which workers used as a "short cut" to the mess room, against the railway company's orders. In the instant case the arbitrator found that the stairs were part of the premises where the injured employee was employed, and where she would have no right to be except by virtue of her employment. In this fact the majority of the court found the element of causal relationship between the employment and the accident necessary to allow a recovery under the Act. The rule announced in the principal case seems to be in harmony with the trend of modern authority on the point involved See BOYD. WORKMEN'S COMPENSATION, Sec. 481; L. R. A. 191? A. 320; 6 A. L. R. 1151 . See also 19 MICH. L. REV. 232.